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FEDERAL ELECTION COMMISSION

Washington, DC 20463

May 20, 1998

AGENDA ITEM

For Meeting of: 5-21-98

MEMORANDUM

TO: The Commission

THROUGH: John C. Stryna
Staff Director

FROM: Lawrence M. Noble
General Counsel

N. Bradley Litchfield
Associate General Counsel

Michael G. Marinelli
Staff Attorney

SUBJECT: OGC amendments to Draft AO 1998-07

SUBMITTED LATE

Attached are proposed OGC amendments to Agenda Document No. 98-38 which is on the agenda for May 21, 1998.

Attachment

On May 18 the Office of General Counsel received a timely comment to Agenda Document No. 98-38(AOR 1998-7). This comment raises additional issues regarding the acquisition, and public or Party use, of a parking lot that the requester included with its proposal to create a building fund for new Party offices. The comment requires further clarification and factual development before it can be fully evaluated, and this Office will contact Party counsel in an effort to obtain the necessary information. However, to expedite matters and since the other portions of the request are fully developed factually, this Office proposes to separate the parking lot issues from the current draft and deal with them in a future advisory opinion request.

The Office of General Counsel proposes the following change to Agenda Document No. 98-38 to replace the text beginning at page 8, line 13, through page 10, line 6, with the following (changed or new language is bolded):

Establishment and uses of "parking fund"

Your proposal regarding the "parking fund" is more problematic. The Commission notes that parking areas provided for the PDP headquarters would be an expected and, in many cases, necessary part of any office facility. However, the construction or acquisition of additional parking space capacity, not needed for the direct use of the Party (for its personnel and visitors to the Party office), may fall outside the building fund exception. **At this time the Commission does not have complete and specific information from PDP regarding its plans and intentions for the acquisition and use of any parking lot facility. The Office of General Counsel will pursue this matter further with PDP to ascertain if it wishes to submit a separate advisory opinion request limited to the parking lot questions.**